



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

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Cal/EPA



Pete Wilson, Governor

15 May 1998

CERTIFIED MAIL
P 523 312 980

Mr. Raymond J. Quaresma, Sr.
Ms. Darlene E. Quaresma
Mr. Raymond M. Quaresma, Jr.
Mr. Daryll P. Quaresma
26301 S. Union Road
Manteca, CA 95337

CLEANUP AND ABATEMENT ORDER NO. 98-720, QUARESMA & SONS DAIRY, SAN JOAQUIN COUNTY

Enclosed is Cleanup and Abatement (C&A) Order No. 98-720. The Order requires an assessment and abatement of water quality impacts caused by operation of the Quaresma & Sons Dairy located at 26301 South Union Road, Manteca, San Joaquin County (the facility). As stated in the C&A Order, you are required to reimburse the Regional Water Quality Control Board for reasonable costs associated with oversight of your actions taken in response to the enclosed order. By **15 June 1998** please submit the name and address to be used for billing purposes for reimbursement charges.

As stated in the C&A Order, by **13 July 1998** you are required to submit plans and a construction schedule for permanent modifications to the wastewater management system that will be completed by **15 September 1998** and that will prevent off-property discharges of wastewater containing manure. Also, as stated in the C&A Order, you are to submit a report by **19 October 1998** describing completed modifications to the wastewater management system and any related improvements in waste management necessary to ensure that all wastewater is retained on your property in compliance with Subchapter 2, Chapter 7, Division 2, Title 27 of the California Code of Regulations.

You are also required to submit a report by **19 October 1998** presenting a nutrient and water balance study for the facility. This balance must show the calculated quantity of nutrients in the animal waste produced at your dairy and the nutrient requirements of the cropland where the wastes are applied, including any land not under your ownership where wastewater is applied. The study should identify the quantity of manure solids that are removed from the dairy on an annual basis and the estimated percentage of nutrients in those solids, but does not need to address nutrient loadings on the off-site cropland where the solids are applied.

Failure to comply with C&A Order No. 98-720, or failure to submit the required technical reports may result in imposition of Administrative Civil Liabilities pursuant to Sections 13350 and 13268 of the California Water Code. Section 13350 states:

- “(a) Any person who (1) intentionally or negligently violates any cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by the regional board or state board, or (2) in violation of any waste discharge requirement or other order or prohibition issued, reissued, or amended by a regional board or the state board, intentionally or negligently discharges waste, or causes or permits waste to be deposited where it is discharged into waters of the state and creates a

Mr. Raymond J. Quaresma, Sr.
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Mr. Daryll P. Quaresma

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condition of pollution or nuisance, or (3) causes or permits any oil or residuary product of petroleum to be deposited in or on any waters of the state, except in accordance with waste discharge requirements or other provisions of this division, may be liable civilly in accordance with subdivision (d), (e) or (f).”

“(d) When there is a discharge, and a cleanup and abatement order is issued pursuant to Section 13304, liability shall be imposed as follows:

“(1) Civil liability may be administratively imposed by a regional board pursuant to Article 2.5 (commencing with Section 13323) for a violation of this section in an amount which shall not exceed five thousand dollars (\$5000), but shall not be less than five hundred dollars (\$500), for each day in which the discharge occurs and for each day the cleanup and abatement order is violated.”

If you have any questions regarding this matter, please contact Louis Pratt at 916-255-3110.

GARY M. CARLTON
Executive Officer

Enclosures: C&A No. 98-720

cc w/ enc.

Ms. Frances McChesney, Office of Chief Counsel, State Water Resources Control Board, Sacramento
Mr. Gerald Johnson, California Environmental Protection Agency, Sacramento
Mr. Richard Cutler, U.S. Federal Attorney, Fresno
Mr. David Irely, Deputy District Attorney, Stockton

cc w/o enc.

Regional Board members

Mr. Walt Pettit, Executive Director, State Water Resources Control Board, Sacramento
Mr. John Norton, Office of Statewide Consistency, State Water Resources Control Board, Sacramento

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. 98-720

FOR:

MR. RAYMOND J. QUARESMA, SR., MS. DARLENE E. QUARESMA,
MR. RAYMOND M. QUARESMA, JR., MR. DARYLL P. QUARESMA
QUARESMA & SONS DAIRY
SAN JOAQUIN COUNTY

This Order is issued to Mr. Raymond J. Quaresma, Sr.; Ms. Darlene E. Quaresma; Mr. Raymond M. Quaresma, Jr.; Mr. Daryll P. Quaresma; and the Quaresma & Sons Dairy (hereafter jointly referred to as Discharger) based on provisions of California Water Code Section 13304, which authorizes issuance of a Cleanup and Abatement Order.

The Executive Officer finds, with respect to the Discharger's acts, or failure to act, the following:

1. The Quaresma & Sons Dairy (the facility) is located at 26301 South Union Road, Manteca, in the east half of Section 31, T2S, R7E, MDB&M, in San Joaquin County. Mr. Raymond J. Quaresma, Senior; Ms. Darlene E. Quaresma; Mr. Raymond M. Quaresma, Junior; and Mr. Daryll P. Quaresma operate the facility and/or own the real property where the facility and associated cropland are located (Assessor's Parcels 257-120-03, 257-030-22, 257-030-28, and 257-030-29).
2. Assessor's maps indicate that there are approximately 432 acres at the facility location including developed areas and cropland. According to state records, the dairy herd exceeds 1000 milk cows.
3. On 11 March 1998, Regional Board staff observed wastewater from the field at the northern end of the facility flowing into the roadside ditch on the south side of Perrin Road northwest of the intersection of Perrin Road and Airport Way. The roadside ditch discharges into the McMullin Reclamation District drainage system that discharges to Walthall Slough and thence to the Sacramento-San Joaquin Delta. Such discharge of manure and wastewater at the facility is a violation of Subchapter 2, Chapter 7, Division 2, Title 27 of the California Code of Regulations, and threatens to create a condition of pollution or nuisance.
4. The beneficial uses of the Sacramento-San Joaquin Delta are domestic, municipal, industrial, and agricultural supply; stock watering, contact recreation; warm-water fish habitat, warm- and cold-water fish migration, warm-water spawning; fish and wildlife habitat, and navigation.
5. Beneficial uses of groundwater in the area around the facility are domestic, municipal, industrial, and agricultural supply.
6. Subchapter 2, Chapter 7, Division 2, Title 27 of the California Code of Regulations contains the following discharge specifications for ground water protection:
 - a. Manure storage areas shall be managed to minimize percolation of water into underlying soil.

MR. RAYMOND J. QUARESMA, SR.; MS. DARLENE E. QUARESMA
MR. RAYMOND M. QUARESMA, JR.; MR. DARYLL P. QUARESMA;
QUARESMA AND SONS DAIRY

- b. Application of wastewater to cropland and disposal fields shall be managed to minimize the percolation to ground water.
- c. Animal containment facilities shall have adequate surface drainage to prevent continuous accumulation of surface water in corrals and feed yards.
- d. Application of wastewater to cropland and disposal fields shall be at rates that are reasonable for the crop, soil, climate, special location situations, management system, and type of manure.

7. Section 13304(a) of the California Water Code provides that:

“Any person who has discharged or discharges waste into waters of the state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the Regional Board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In any such suit, the court shall have jurisdiction to grant a prohibition or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

8. Section 13304(c)(1) of the California Water Code states in part:

“If the waste is cleaned up or the effects of the waste are abated, or, in the case of threatened pollution or nuisance, other necessary remedial action is taken by any governmental agency, the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to the government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions.”

9. Section 13267(b) of the California Water Code provides that:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.”

MR. RAYMOND J. QUARESMA, SR.; MS. DARLENE E. QUARESMA
MR. RAYMOND M. QUARESMA, JR.; MR. DARYLL P. QUARESMA;
QUARESMA AND SONS DAIRY

10. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
11. Any person affected by this action of the Board may petition the State Water Resources Control Board to review the action. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Sections 13267 and 13304 of the California Water Code, Mr. Raymond J. Quaresma, Sr.; Ms. Darlene E. Quaresma; Mr. Raymond M. Quaresma, Jr.; Mr. Daryll P. Quaresma; and the Quaresma & Sons Dairy shall:

1. Except in the case of runoff generated during a storm exceeding a 25-year, 24-hour event, immediately abate any and all discharges of manured wastewater into surface waters.
2. Operate the Quaresma & Sons Dairy in compliance with Subchapter 2, Chapter 7, Division, 2 Title 27 of the California Code of Regulations.
3. Conduct daily inspections of waste holding areas and cropland being irrigated with wastewater and report any off-property discharge of wastewater containing manure to the Regional Board within 72 hours of discovering the discharge.
4. Reimburse the Regional Water Quality Control Board, the State Water Resources Control Board, the Department of Fish and Game, and any other state or federal agency providing assistance to the Regional Board in administering this order for reasonable costs associated with oversight of actions taken in response to this Order. By **15 June 1998** submit the name and address to be used for billing purposes for reimbursement charges. Failure to provide the name and address and/or failure to reimburse the Regional Board for reasonable oversight costs shall be considered a violation of this Order.

MR. RAYMOND J. QUARESMA, SR.; MS. DARLENE E. QUARESMA;
MR. RAYMOND M. QUARESMA, JR.; MR. DARYLL P. QUARESMA;
QUARESMA AND SONS DAIRY

5. By **13 July 1998**, submit plans and a construction schedule for permanent modifications to the wastewater distribution system and other portions of the dairy waste management system that will be completed by **15 September 1998** and that will prevent off-property discharges of wastewater containing manure. Once approved by staff, the construction schedule shall become part of this Order and will be enforceable under this Order.
6. By **19 October 1998**, submit a report describing the completed modifications to the dairy waste management system and any related improvements in wastewater management necessary to ensure that all wastewater is retained on the facility property.
7. By **19 October 1998**, submit a report presenting a nutrient and water balance study for the facility and including a description of any operational changes necessary to operate the facility in compliance with Subchapter 2, Chapter 7, Division 2 Title 27 of the California Code of Regulations.

This Order is effective upon the date of signature.

GARY M. CARLTON, Executive Officer

(Date)